

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested. Claims 1, 2, 4, 5 and 7-32 are pending in the current application. By this Amendment, claims 1, 2, 14, 17, 21-23, 28, and 29 are amended, and claims 30-32 are added. By this Amendment, no claims are cancelled. Claims 1, 14, 17, and 20-23 are the independent claims.

Examiner Interview

Applicants thank the Examiner for granting Applicants' request for a telephone interview to be conducted on June 24, 2008 at 2:00pm. As that time, Applicants will further discuss the preceding amendments and following remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 1, 2, 4, 5, and 7-19 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. For instance, the Examiner asserts that claims 1, 2, 4, 5, and 7-19 recite a computer readable medium which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is this non-statutory per se. Applicants respectfully traverse this rejection for the reasons detailed below.

As explained in Applicants' prior responses of October 4, 2007 and January 31, 2008, the Examiner has incorrectly characterized the computer readable medium of claim 1 as storing nonfunctional descriptive material. To expedite prosecution and without conceding to the Examiner's current position, Applicants have amended claim 1 to recite, *inter alia*, "a computer

readable medium storing a computer executable program to reproduce a data format structure and having a data structure for managing reproduction of at least video data having multiple reproduction paths recorded on the computer readable medium.” Applicants submit that the computer readable medium of amended claim 1 is functional descriptive material.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive materials” includes but is not limited to music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants submit that a “a computer readable medium storing a computer executable program to reproduce a data format structure and having a data structure for managing reproduction of at least video data having multiple reproduction path recorded on the computer readable medium” as recited in independent claim 1, is a computer readable medium storing functional descriptive material.

MPEP § 2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” Accordingly, because the computer readable medium recited in claim 1 stores a computer executable program to reproduce a data format structure and includes a data structure for managing reproduction of at least video data having multiple reproduction paths recorded on the

computer readable medium, amended claim 1 is clearly directed towards patentable, statutory subject matter. Independent claims 14 and 17 are amended to include features similar to amended claim 1, and are patentable for at least the same reasons stated above, as well as their own merits. Furthermore, claims 2, 4, 5, 7-13, 15-16 and 18-19, dependent on claims 1, 14 and 17, are patentable for at least the same reasons stated above, as well as their own merits. Therefore, Applicants respectfully request the rejection of claims 1, 2, 4, 5, and 7-19 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4, 7-15, 17-18, 20-24, 26 and 28-29

Claims 1, 2, 4, 7-15, 17-18, 20-24, 26 and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawabe et al. (U.S. Patent No. 6,031,962, hereinafter “Sawabe”) in view of Kaneshige, et al. (U.S. Patent No. 5,913,010, hereinafter “Kaneshige”). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner acknowledges that Sawabe fails to disclose “a management area separate from the data area, the management area storing management information for managing reproduction of the video data having multiple reproduction paths, the management information including at least one entry point map associated with each reproduction path, each entry point map identifying the entry points in the video data for the associated reproduction path” as recited in claim 1. The Examiner relies upon Kaneshige as disclosing this feature. For instance, on page 5 of the Office Action, the Examiner directs Applicants’ attention to FIGS. 16 and 26 and column 15, lines 29-31 of Kaneshige as disclosing this limitation. Applicants disagree.

FIG. 26 shows video title set information (VTSI) in a video title set (VTS) area. The VTSI contains control data, such as “a video title set part-of-title search pointer table, in which

entry points of titles and the like are described [e.g., VTS_PTT_SRPT].” See Kaneshige, column 15-29-31. Referring to FIG. 16 of Kaneshige, the VTSI is included within the video title set (VTS) area. Also included within the video title set (VTS) area is a video object set (VOBS), which comprises multiple video objects that includes multiple cells for storing video data. Referring to FIG. 16 of Kaneshige, for each VTS (e.g., VST #1, VST #2 through VST #n) the corresponding control data VTSI controls the video data associated with each VTS. In other words, Kaneshige discloses a control for each VTS unit, but not “a management area separate from the data area” within the meaning of claim 1.

Referring to FIG. 15 of Kaneshige, each VTS is contained within the “DVD VIDEO ZONE,” which is a data area that does not separate the management information from the data area. In contrast, FIG. 3 of the present application illustrates that the “management area storing management information” of claim 1 is included within the clip information area that is completely separate from the AV Stream area that stores video data. Kaneshige discloses one area, the “DVD VIDEO ZONE” of FIG. 15, which includes both the control data VTSI and the video data. Therefore, Kaneshige does not have the benefit of easily adding or deleting management information or video data from the computer readable medium reflected in claim 1.

Accordingly, Kaneshige does not disclose “a management area separate from the data area, the management area storing management information for managing reproduction of the video data having multiple reproduction paths, the management information including at least one entry point map associated with each reproduction path, each entry point map identifying the entry points in the video data for the associated reproduction path” as required by claim 1. Therefore, Sawabe and Kaneshige, alone or in combination, cannot render claim 1 obvious to one of ordinary skill in the art.

Independent claims 14, 17 and 20-23 contains features similar to claim 1 and are patentable for at least the same reasons stated above. Claims 2, 4, 7-13, 15, 18, 24, 26 and 28-29, dependent on claims 1, 14, 17 and 20-23, are patentable for at least the same reasons stated above. Therefore, Applicants respectfully request the rejection of claims 1, 2, 4, 7-15, 17-18, 20-24, 26 and 28-29 under 35 U.S.C. § 103(a) be withdrawn.

Claims 5, 16, 19, 25 and 27

Claims 5, 16, 19, 25 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawabe in view of Kaneshige in further view of Sugimoto et al. (U.S. Patent No. 6,470,140, hereinafter “Sugimoto”). Claims 5, 16, 19, 25 and 27, dependent on claims 1, 14, 17 and 22-23, are patentable for at least the same reasons stated above. Furthermore, Sugimoto fails to cure the deficiencies of Sawabe and Kaneshige. Therefore, Applicants respectfully request the rejection of claims 15, 16, 19, 25 and 27 under 35 U.S.C. § 103(a) be withdrawn.

New Claims

Applicants submit that new claims 30-32, dependent on independent claims 22 and 23, are patentable for at least the same reasons stated above, as well as their own merits. Accordingly, Applicants respectfully request that claims 30-32 be allowed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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